

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and wishes to take this opportunity to inform of revised minimum wage payment requirements for domestic workers employed by their mission members who are residing in Washington, DC, and the state of Maryland, including Montgomery and Prince George's Counties, and to remind each mission of the requirement for updating as appropriate the hourly wage rate in employment contracts between domestic workers and employing mission members. This note supersedes previous correspondence related to this subject.

The Department wishes to emphasize that mission members employing domestic workers holding A-3 visas must pay an hourly wage of at least the highest of the applicable minimum wage under U.S. federal, state, and local laws where (city and state) the domestic worker is employed. For example, if the domestic worker works in Silver Spring, Maryland, the employer must look at U.S. federal, Maryland state, and Montgomery County (local) minimum wage laws.

The highest minimum wage of the three laws is the lowest the domestic worker can be paid. Employers may pay domestic workers at a rate above the minimum wage rate required for the specific location of employment.

Effective as of July 1, 2017, the minimum wage rate in Washington, DC, increased to \$12.50 an hour. The state of Maryland minimum wage increased on July 1, 2017, to \$9.25 an hour. This new Maryland rate applies to employers with one domestic worker in Montgomery County, Maryland; the minimum wage rate in Montgomery County, Maryland, increased to \$11.50 an hour for employers with two or more employees. Effective October 1, 2017, the minimum wage in Prince George's County increased to \$11.50 an hour.

Embassies maintain an obligation to monitor any changes in the applicable minimum wage rates and must ensure that contracts for domestic workers employed by mission members are amended to reflect such changes. All such contractual changes must be agreed to and initialed by both the domestic worker and the employer. Contracts reflecting revised minimum wage rates do not need to be submitted by the Embassy to the Office of the Chief of Protocol at this time, but will be requested and reviewed by Protocol staff during domestic workers' annual in-person registration appointments.

Embassies are reminded that the employment contract between an employer and the domestic worker must state that the domestic worker will be compensated

for all hours worked, which includes all time that the domestic worker is required to be on the employer's property to perform work of any kind. Further, the contract must state that all overtime hours beyond the regular work week must be paid at the rate required by U.S. federal, state, and local law. Embassies are requested to remind employers that they are not permitted to make deductions from wages except as required by law (e.g., tax and social security obligations, where applicable).

Additionally, as a reminder, all wages must be paid by electronic funds transfer into the domestic worker's bank account in the United States or by a check provided directly to the domestic worker. After the domestic worker's first 30 days of employment in the United States, cash payments are not permitted. The Department reserves the right to request copies of payment records in situations in which questions arise about proper wage payments.

Questions regarding the employment of domestic workers by foreign mission members may be directed via email to domesticworkers@state.gov. The Department appreciates Embassies' continued cooperation and partnership on these matters.

Department of State,

Washington, October 30, 2017.

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line and a small upward stroke.